IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

SUMMONS FOR JUDGMENT NO. 894 OF 2004

IN

SUMMARY SUIT NO. 2595 OF 2004

Mr. Vikas Vithal Mahante .. Plaintiff.

vs.

Mr. Avinash C. Mantri. .. Defendant.

Mr. R.R. Mishra a/w B.A. Vora for plaintiff.

Mr. R.D. Suvarna for defendant.

CORAM : S.U. KAMDAR, J.

DATE : 10TH OCTOBER, 2005.

P.C.

. The present suit is filed on Exhibit A to the plaint for repayment of the amount given as and by way of loan. On the perusal of the affidavit and the documents, I find that there is a great doubt about the validity of the said document. Though the said document is supposed to have been signed on the right hand side by the deponent, there is no signature on the second page where the notary is supposed to have notarised the signature though place is kept for signature above the words "Before me". In that view of the matter, triable issue

arises in the present case. Unconditional leave to defend. Summons for judgment is dismissed.

2. The Prothonotary & Senior Master, High Court, Bombay, is directed to take in possession the said Exhibit A original of which has been tendered by the plaintiff in the suit. The same to be kept in a sealed envelope.

3. Suit transferred to the list of Commercial Causes. Written Statement or points of defence to be filed four weeks from today. Affidavits list of documents to be filed within four weeks thereafter. Inspection within four weeks thereafter. Suit to be on Board of the learned Judge taking Commercial Causes.